



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda.

#### 5:00 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda
- Meeting will recess until 6:00 p.m.

#### 6:00 p.m. session

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. [www.cityoftucson.org/agdocs](http://www.cityoftucson.org/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.cityoftucson.org](http://www.cityoftucson.org). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Fred Ronstadt – Vice Mayor**

#### Council Members

**José J. Ibarra**      **Ward 1**  
**Carol W. West**      **Ward 2**  
**Kathleen Dunbar**      **Ward 3**

**Shirley C. Scott**      **Ward 4**  
**Steve Leal**      **Ward 5**  
**Fred Ronstadt**      **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: [www.cityoftucson.org/agdocs](http://www.cityoftucson.org/agdocs)), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
Tuesdays – 9:00 p.m.      Wednesdays – 9:00 a.m.      Sundays – 9:00 a.m.  
VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, APRIL 5, 2004 – 5:00 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Reverend Lee Norris May, Prince Chapel African Methodist Episcopal Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**PRESENTATIONS**

- (a) Proclamation – Proclaiming April 4 through 10, 2004 to be “Building Safety Week”
- (b) Proclamation – Proclaiming April 4 through 11, 2004 to be “High Technology Week”
- (c) Proclamation – Proclaiming April 5, 2004 to be “Outstanding Teen Citizen Day”
- (d) Presentation of the “Crystal Apple Youth Award” and “Outstanding Teen Citizen Awards”

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager APRIL5-04-154 CITY-WIDE

**4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager APRIL5-04-155 CITY-WIDE

## 5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager APRIL5-04-157 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

### New License(s)

(1) PETER PIPER PIZZA 9545 E. Old Spanish Trail Applicant: Donald R. Baxla City #012-04, located in Ward 2 Series #12 Action must be taken by: April 17, 2004	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance Bus. License: In Compliance
--	---

### **PUBLIC OPINION: PROTESTS FILED**

(2) CHARLIE'S 3412 N. Dodge Blvd. Applicant: Garrett J. Raetzman City #014-04, located in Ward 2 Series #12 Action must be taken by: April 26, 2004	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance Bus. License: In Compliance
--	---

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

(c) Special Event(s)

(1) TUCSON MUSEUM OF ART 140 N. Main Avenue Applicant: Charlie E. Bodden City #T017-04, located in Ward 1 Date of Event: May 7, 2004 (Exhibition Opening Reception)	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance
--	--

### **PUBLIC OPINION: SUPPORT FILED**

- |     |   |  |
|-----|---|--|
| (2) | <p>TUCSON ARTS DISTRICT<br/>PARTNERSHIP<br/>140 N. Main Avenue<br/>Applicant: Vera L.Y. Uyehara<br/>City #T018-04, located in Ward 1<br/>Date of Event: April 16, 2004<br/>(Fundraising Art Auction)</p>                          | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance<br/>DSD: In Compliance</p>                                     |
| (3) | <p>SOUTHERN ARIZONA HOME<br/>BUILDERS ASSOCIATION<br/>3800 E. River Road<br/>Applicant: Tony Mellor<br/>City #T019-04, located in Ward 2<br/>Date of Event: April 22, 2004<br/>(Fundraising for the Arizona Arthritis Center)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance<br/>DSD: In Compliance</p>                                     |
| (4) | <p>CODAC BEHAVIORAL HEALTH<br/>SERVICES, INC.<br/>4644 E. Ft. Lowell Road<br/>Applicant: Diana T. Whitman<br/>City #T022-04, located in Ward 2<br/>Date of Event: May 1, 2004<br/>(Fundraiser)</p>                                | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance<br/>DSD: In Compliance</p>                                     |
| (5) | <p>COMITE DE FESTIVIDADES MEXICANAS<br/>3700 S. La Cholla Blvd.<br/>Applicant: Mercedes M. Guerrero<br/>City #T025-04, located in Ward 1<br/>Date of Event: April 11, 2004<br/>(To Celebrate Spring)</p>                          | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance<br/>DSD: In Compliance<br/>Parks &amp; Rec.: In Compliance</p> |
| (6) | <p>TUCSON BOTANICAL GARDENS<br/>2150 N. Alvernon Way<br/>Applicant: Kimberly A. Etherington<br/>City #T034-04, located in Ward 6<br/>Date of Event: April 15, 2004<br/>(Fundraiser)</p>   | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance<br/>DSD: In Compliance</p>                                     |

**PUBLIC OPINION: PROTEST FILED**

- |     |   |  |
|-----|---|--|
| (7) | <p>ARIZONA LEAGUE OF<br/>CONSERVATION VOTERS<br/>288 S. Church Avenue<br/>Applicant: Lyn K. Wilson<br/>City #T040-04, located in Ward 1<br/>Date of Event: April 20, 2004<br/>(Book Signing/Fundraiser)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance<br/>DSD: In Compliance</p> |
|-----|---|--|

**6. CONSENT AGENDA ITEMS A THROUGH C**

**A. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR FISCAL YEAR 2004 FUNDING OF THE TUCSON-PIMA COUNTY HISTORICAL COMMISSION**

- (1) Report from City Manager APRIL5-04-153 CITY-WIDE AND OUTSIDE THE CITY
- (2) Resolution No. 19803 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for Fiscal Year 2004 funding of the Tucson-Pima County Historical Commission; and declaring an emergency.

**B. REAL PROPERTY: CONVEYANCE OF SURPLUS CITY PROPERTY IN THE WEST OCHOA NEIGHBORHOOD TO CHICANOS POR LA CAUSA**

- (1) Report from City Manager APRIL5-04-161 W5
- (2) Ordinance No. 9945 relating to real property; vacating and declaring certain city-owned properties in the West Ochoa Neighborhood, Tucson, Arizona, to be surplus, and authorizing the conveyance thereof to Chicanos Por La Causa; and declaring an emergency.

**C. SURPLUS PROPERTY: DONATION OF OFFICE FURNITURE AND EQUIPMENT TO FAMILY ADVOCACY, RESOURCE AND WELLNESS CENTERS, INC.**

- (1) Report from City Manager APRIL5-04-162 CITY-WIDE

**RECESS**

**MEETING WILL RECONVENE AT 6:00 P.M.**

## **RECONVENE (6:00 P.M.)**

### **ROLL CALL**

#### **7. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

#### **8. PUBLIC HEARING: (Co9-82-80) CHEYENNE INVESTMENT – NEBRASKA STRAVENUE, I-1 ZONING, CHANGE OF CONDITIONS (CONTINUED FROM MEETING OF MARCH 22, 2004)**

(a) Report from City Manager APRIL5-04-159 W5

(b) Hearing

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

#### **9. PUBLIC HEARING: (C9-98-38) STRUBLE II – AJO WAY, R-1 TO C-2 ZONING, REQUEST FOR TIME EXTENSION AND ORDINANCE ADOPTION**

(a) Report from City Manager APRIL5-04-163 W5

(b) Hearing on a request for a time extension for property located on the southeast corner of Pandora Avenue and Ajo Way. Applicant: Jacob F. Struble, property owner. The preliminary development plan includes this 0.21 acre parcel in the development of an automotive parts and service store on 1.07 acres. The proposed use of the land is for parking, circulation, and buffering for the adjacent C-2 zoned automotive parts store. No changes to the approved development plan are proposed.

The original five-year authorization expires on April 19, 2004. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

The City Manager recommends approval of the time extension from April 19, 2004 to April 19, 2009 and adoption of the ordinance as presented.

- (c) Ordinance No. 9946 relating to zoning: amending Ordinance No. 9222 to amend zoning conditions and extend the period of compliance from April 19, 2004, to April 19, 2009 for the area located in the vicinity of the south east corner of Ajo Way and Pandora Avenue in Case C9-98-38, Struble II – Ajo Way, R-1 to C-2; and declaring an emergency.

Zero (0) written approvals and zero (0) written protests have been received for this case.

A simple majority vote will be necessary to adopt the ordinance presented.

**10. ZONING: (C9-03-19) JACOME – VALENCIA ROAD AND ALVERNON WAY, I-1 TO C-1, CITY MANAGER’S REPORT (CONTINUED FROM MEETING OF MARCH 22, 2004)**

- (a) Report from City Manager APRIL5-04-158 W5
- (b) Report from Zoning Examiner dated March 5, 2004.
- (c) This is a request to rezone approximately 15.2 acres from I-1 (Light Industrial) to C-1 (Low-intensity Commercial) zoning. Applicant: Carl Winters of Planning Resources, on behalf of the property owner, Henry Jacome of Val-Al Limited Partnership.

The rezoning site is located on the southwest corner of Valencia Road and Alvernon Way. The preliminary development plan proposes 119,000 square feet of retail uses.

There are two billboards currently located on the rezoning site. Condition 19 has been added to clarify that the removal of the billboards is required.

The Zoning Examiner recommends approval of the C-1 zoning. The City Manager recommends approval of the C-1 zoning, subject to the following revised conditions:

1. A development plan for the commercial portion of the rezoning request in substantial compliance with the preliminary development plan dated October 7, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. A fifty (50) foot wide landscaped corridor shall be provided along Rodeo Wash containing an eight (8) foot wide soft surface trail and a twelve (12) foot wide hard surface trail or as approved by City of Tucson Parks Department. Landscaping shall include trees, shrubs, groundcover, and accent plants.
3. No outdoor storage other than shopping cart storage.

4. All trash collection and loading areas should be screened from public streets and sidewalks, internal pedestrian walkways, or adjacent residential properties.
5. All exterior mechanical equipment should be screened from view of adjacent development and street frontages, and should be architecturally integrated into the overall design of buildings and development.
6. All walls visible from a public right-of-way, are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as: the use of two or more decorative materials like stucco, tile, stone, or brick; visually interesting design on the wall surface; varied wall alignments (jog, curve, notch, setback, etc.), and where appropriate, trees and shrubbery should be located in voids created by wall variations.
7. Signage is to be integrated into the overall design of the project.
8. Rear and side building façades shall be designed with attention to architectural character and detail comparable to the front façade, with consistent design treatment, including but not limited to, comparable color palette, signs, lighting, screen walls, rooflines, and materials. Building elevations shall be submitted with the development plans at the time of CDRC review.
9. The site shall have a maximum of three (3) access points from Valencia Road.
10. The site shall have a maximum of two (2) access points from Alvernon Way for that portion of the site to be zoned C-1.
11. The developer shall install a twelve (12) foot wide, continuous right turn lane along the entire length of the property that fronts Valencia Road.
12. The developer shall install a twelve (12) foot wide, continuous right turn lane along Alvernon Way for that portion of the site to be zoned C-1.
13. The developer shall add sufficient pavement to the west side of Alvernon Way and the south side of Valencia Road to accommodate a 5' bike lane along the entire frontage of the site.
14. The developer shall install a right turn/deceleration lane to both entrances to that portion of the site to be zoned R-1.
15. The developer shall install a continuous left turn lane for the southern entrance to the site to be rezoned to R-1 and continue to the northern entrance to that portion of the site to be rezoned R-1.



16. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
17. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- \*19. Removal of the existing billboards on the north side of the rezoning site.
20. Five years are allowed from the date of initial authorization to implement all Code requirements and conditions of rezoning.

One (1) written approvals and zero (0) written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**11. APPEAL: HISTORIC PRESERVATION ZONE CASE (HPZ-03-77) FIRST CHRISTIAN CHURCH, 740 E. SPEEDWAY BOULEVARD - NEW COLUMBARIUM WALL**

- (a) Report from City Manager APRIL5-04-152 W6
- (b) Applicant/Appellant: Donald Smith, Architect  
on behalf of the property owner, First Christian Church  
Appeal filed January 15, 2004

This is an appeal of conditions 1 and 2 of the decision made January 12, 2004 by the Zoning Administrator, acting as the designee of the Development Services Department Director (DSD). DSD has approved the application with certain design conditions. The design conditions call for a slight reduction in the height of the wall and a slight offset from the existing church wall. The case has been reviewed by the Development Review Board and the Tucson-Pima County Historical Commission who recommend approval of the case along with the conditions imposed by Development Services. The applicant is appealing the following conditions:

- (1) a proposed columbarium wall to be recessed 21' from the north elevation face of the existing chapel wall;
- (2) height of proposed columbarium wall to be reduced from proposed 15' to a total height of 14'4";

The City Manager recommends that the Mayor and Council uphold the decision made by the Development Services Department Director.

**12. AGREEMENT: WITH OLD PUEBLO TROLLEY TO COVER INSURANCE COSTS FOR THE HERITAGE TRANSIT VEHICLE OPERATIONS**

- (a) Report from City Manager APRIL5-04-160 CITY-WIDE
- (b) Resolution No. 19804 relating to transportation; authorizing and approving an agreement with Old Pueblo Trolley for the City of Tucson to provide self-insured liability coverage for the Old Pueblo Trolley public transit vehicle operations; and declaring an emergency.

**13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager APRIL5-04-156 CITY-WIDE

**14. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, April 12, 2004, at 5:00 p.m. in the Copper Ballroom, at the Tucson Convention Center, 260 S. Church Avenue, Tucson, Arizona.